

United States District Court  
NORTHERN DISTRICT OF CALIFORNIA

ZINUS, INC., a California  
corporation,

Plaintiff,

v.

SIMMONS BEDDING COMPANY, a Delaware  
corporation, and DREAMWELL, LTD., a limited  
liability company of Nevada,

Defendants.

TO: (Name and address of defendant)

Simmons Bedding Company  
One Concourse Parkway, Suite 800  
Atlanta, Georgia 30328

SUMMONS IN A CIVIL CASE

CASE NUMBER:

C07 03012 PVT

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Darien K. Wallace, State Bar No. 139798  
Imperium Patent Works  
P.O. Box 587  
Sunol, California 94586  
Telephone: (925) 862-9972  
darien@ImperiumPW.com

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking  
CLERK

DATE 6-11-07

  
(BY) DEPUTY CLERK

Sandy Morris

Attorney or Party without Attorney: Darien K. Wallace Imperium Patent Works P.O. Box 587 Sunol, CA 94586 Telephone No: (925) 862-9972			For Court Use Only		
Attorney for: Plaintiff			Ref. No. or File No.:		
Insert name of Court, and Judicial District and Branch Court: U.S. District Court, Northern District of California					
Plaintiff: Zinus, Inc. Defendant: Simmons Bedding Company, et al.					
<b>PROOF OF SERVICE SUMMONS IN CIVIL</b>		Hearing Date:	Time:	Dept Div:	Case Number: C0703012PVT

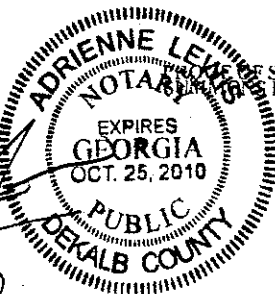
1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the Summons In A Civil Case, Complaint; Welcome To The United States District Court For The Northern District Of California, Clerk's Office, San Jose Division; Criminal And Civil Law And Motion/Trial/Settlement/Case Management/Dismissal Hearing Schedules; Notice Of Assignment To United States Magistrate Judge; Consent To Proceed Before A United States Magistrate Judge; Declination To Proceed Before A Magistrate Judge And Request For Reassignment To A United States District Judge; General Order No. 40 - Prohibition Of Bias; Notice Of Electronic Availability Of Case File Information; General Order No. 53 - Privacy; Notice Of Lawsuit And Request For Waiver Of Service Of Summons; Waiver Of Service Of Summons; Instructions For Completion Of ADR Forms Regarding Selection Of An ADR Process; ADR Certification By Parties And Counsel; Stipulation And [Proposed] Order Selecting ADR Process / ADR Certification; Notice Of Need For ADR Phone Conference / ADR Certification (Blank); Ecf Registration Information Handout; Order Of The Chief Judge In Re: Electronic Filing In Cases With Unrepresented Parties; General Order No. 45; Order Setting Initial Case Management Conference; Standing Order For All Judges, Contents Of Case Management Statement; Standing Order Regarding Case Management In Civil Cases; Standing Order For Civil Practice In Cases Assigned For All Purposes To Magistrate Judge Patricia V. Trumbull
3. a. Party served: Simmons Bedding Company, a Delaware corporation, by serving Kristen McGuffey, Executive Vice President and General Counsel  
 b. Person served: Kristen McGuffey
4. Address where the party was served: One Concourse Parkway  
 Suite 800  
 Atlanta, GA 30328
5. I served the party:
  - b. by substituted service. On: Wed., Jun. 27, 2007 at 2:10PM I left the documents listed in item 2 with or in the presence of: Clara Dequick, Authorized to Accept Service
    - (1) (Business) a Person in charge at least 18 years of age apparently in charge of the office or usual place of business of the person served. I informed him or her of the general nature of the papers.
    - (4) A declaration of mailing is attached.
7. Person Who Served Papers:
  - a. Chris Stanton
  - b. P.O. Box 7710  
 Atlanta, GA 30357
  - c. 800-655-7226
  - d. The Fee for Service was: \$125.00
  - e. I am: (3)
    - (i) Independent Contractor

Recoverable Cost Per CCP 1033.5(a)(4)(B)

8. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Thu, Jun. 28, 2007

Judicial Council Form  
 Rule 982.9(a)&(b) Rev January 1, 2007



*[Signature]*  
 (Chris Stanton) imperium 150280

*Sum to & subscribed before me two 28th day of June 2007*  
*[Signature]*  
 Notary

Attorney or Party without Attorney: Darien K. Wallace Imperium Patent Works P.O. Box 587 Sunol, CA 94586 Telephone No: (925) 862-9972 FAX No:				For Court Use Only	
Attorney for: Plaintiff			Ref. No or File No.:		
Insert name of Court, and Judicial District and Branch Court: U.S. District Court, Northern District of California					
Plaintiff: Zinus, Inc.					
Defendant: Simmons Bedding Company, et al.					
<b>PROOF OF SERVICE By Mail</b>		Hearing Date:	Time:	Dept/Div:	Case Number: C0703012PVT

1. I am over the age of 18 and not a party to this action. I am employed in the county where the mailing occurred.
2. I served copies of the Summons In A Civil Case, Complaint; Welcome To The United States District Court For The Northern District Of California, Clerk's Office, San Jose Division; Criminal And Civil Law And Motion/Trial/Settlement/Case Management/Dismissal Hearing Schedules; Notice Of Assignment To United States Magistrate Judge; Consent To Proceed Before A United States Magistrate Judge; Declination To Proceed Before A Magistrate Judge And Request For Reassignment To A United States District Judge; General Order No. 40 - Prohibition Of Bias; Notice Of Electronic Availability Of Case File Information; General Order No. 53 - Privacy; Notice Of Lawsuit And Request For Waiver Of Service Of Summons; Waiver Of Service Of Summons; Instructions For Completion Of Adr Forms Regarding Selection Of An Adr Process; Adr Certification By Parties And Counsel; Stipulation And [Proposed] Order Selecting Adr Process / Adr Certification; Notice Of Need For Adr Phone Conference / Adr Certification (Blank); Ecf Registration Information Handout; Order Of The Chief Judge In Re: Electronic Filing In Cases With Unrepresented Parties; General Order No. 45; Order Setting Initial Case Management Conference; Standing Order For All Judges, Contents Of Case Managment Statement; Standing Order Regarding Case Management In Civil Cases; Standing Order For Civil Practice In Cases Assigned For All Purposes To Magistrate Judge Patricia V. Trumbull
3. By placing a true copy of each document in the United States mail, in a sealed envelope by **First Class** mail with postage prepaid as follows:
  - a. Date of Mailing: Thu., Jun. 28, 2007
  - b. Place of Mailing: San Jose, CA 95126
  - c. Addressed as follows: Simmons Bedding Company, a Delaware corporation, by serving Kristen McGuffey, Executive Vice President and General Counsel  
One Concourse Parkway  
Suite 800  
Atlanta, GA 30328
4. I am readily familiar with the business practice for collection and processing of correspondence as deposited with the U.S. Postal Service on Thu., Jun. 28, 2007 in the ordinary course of business.
5. *Person Serving:*
  - a. Kenneth T. Smith
  - b. Bender's Legal Service  
LRS Investigations, PI 16723  
1625 The Alameda, Ste. 511  
San Jose, CA 95126
  - c. 408 286-4182, FAX 408 298-4484
  - d. **The Fee** for Service was: \$125.00
  - e. I am: (3) registered California process server
    - (i) Owner
    - (ii) Registration No.: 542
    - (iii) County: Santa Clara
    - (iv) Expiration Date: Tue, Oct. 02, 2007

8. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Thu, Jun. 28, 2007